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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/074,985 | 02/13/2002 | Gote Karlsson | 34354 | 6871 |
| 116 | 7590 | 11/14/2003 | | |
| PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108 | | | | |
| | | | EXAMINER RODRIGUEZ, RUTH C | |
| | | | ART UNIT 3677 | PAPER NUMBER |

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,985

Applicant(s)

KARLSSON, GOTE

Examiner

Ruth C Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the holder having an axle and an arm must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 5-9 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a holder (13) for attachment to the portable tool (11), an upper part (17) and a lower part (16) having a semicylindrical groove (23), support arms (19) and a cylindrical axle (18), does not reasonably provide enablement for a holder (13) for attachment to the portable tool comprising an axle. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The specifications and the drawings fail to disclose that the holder (13) comprises a cylindrical axle (18). The limitation reciting, "the holder comprises an axle" should be corrected to reflect the disclosure included in the current application where an arm (15) includes an upper part (17) fastened by a screw (20) to a lower part (16) having a semicylindrical groove (23), a cylindrical axle (18) and supporting arms (19).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ballas, Sr. (US 4,282,652).

A device attaches a handle (22,23) to a holder (36,37) fastened to a portable tool (11). The device comprises a lower part (one of the grooves of 36), an upper part (one of the grooves of 37), a screw (38), a holder (the other groove of 36 and 37) and an arm (connecting portion between the grooves of 36 or 37). The lower part has a semicylindrical groove (Figs. 1 and 2). The upper part keeps the handle in the groove on the lower part (Figs. 1 and 2). The screw fastens the upper part to the lower part so that the handle can be secured in a selected position (Figs. 1-6). The holder comprises an axle (12) and the arm attaching the lower part to the axle.

Ballas, Sr. also discloses that

An axial direction of the groove is parallel to an axial direction of the axle.

A length of the arm determines a range for adjustment of the handle in an axial direction along the tool and a height above the tool (Figs. 1-6).

The holder has two jaws (36,37) connected by a screw (38) so that the axle can be secured between the jaws in a selected position (Figs. 1-6).

The axial direction of the axle is the same as the second axis that the handle turns around (Figs. 1-6).

Response to Arguments

7. Applicant's arguments filed 03 September 2003 have been fully considered but they are not persuasive.

8. The applicant argues that Ballas fails to disclose "a holder for attachment to a tube of the portable tool, the holder comprising an axle and an arm attaching the portable the lower part to the axle." The Examiner fails to be persuaded by this argument. As pointed out in the drawing objection and in the rejection under 35 U.S.C. 112, first paragraph the drawings and the specifications fail to disclose a holder being attached to the portable tool and having an axle. Until the claim is corrected to correspond with the disclosure of the application this limitation can be read on Ballas just as it now reads in the disclosed invention. The applicant fails to positively claim that the holder is attached to the tool therefore the limitation "a holder for attachment to the portable tool" is not given any patentable weight since is considered an intended use limitation. Therefore the limitations of the claim are met as follows, the axle (12) of the portable tool can be considered the axle recited in the claim where one of the grooves of the lower part (36) that cooperates with one of the grooves of the upper parts (37) accommodate the handle while the other one of the grooves of the lower part encloses the axle in cooperation with the other one of the grooves of the upper part. Especially since a screw (38) joins the upper part to the lower part and an arm is used to connect the grooves of the lower part and another arm is used to connect the grooves of the upper part.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lawrence (US 2,697,457), Heermann and Wehle (US 3,581,832), Belliston (US 4,145,810), Hoff (US 4,226,021), Kolodziejczyk (US 4,359,822), Karlsson et al. (US D 333,954), Dobrovolny (US 5,899,627), Nagashima (US 6,056,668), Lawrence (US 6,240,644 B1), Shaw (US 2002/0094234 A1) and Warashina et al. (US 2002/0104193 A1) are cited to show state of the art with respect to a device for attaching a handle with some of the feature of the current application or closely related.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before final communications is (703) 872-9326. Technology center 3600's facsimile number for after final communications is (703) 872-9327. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:|

I hereby certify that this correspondence is being facsimile transmitted to
the Patent and Trademark Office (Fax No. (703) 872-9326) on ____ (Date) ____.

(Typed or printed name of person signing this certificate)

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RLR
rcr
November 12, 2003



ROBERT J. SANDY
PRIMARY EXAMINER